

MAGISTRATE'S CRIMINAL MINUTES

ARRAIGNMENT
PLEA AND
SENTENCE

Filed in Open Court: Date: 11/3/22 Tape: FTR at 1:43 Time in Court: 1 hour 3 mins

Magistrate (presiding): Catherine M. Salinas
Case Number: 1:22-cr-389

Deputy Clerk: Angela Smith
Defendant's Name: Alvin Marvin DeMer

AUSA: Theodore Hertzberg

Defendant's Attorney: Colin Garrett

USPO/PTR: _____

Type Counsel: () Retained () CJA (☒) FPD () Waived

_____ ARREST DATE: _____

_____ INTERPRETER _____

☒ INITIAL APPEARANCE HEARING. () in THIS DISTRICT Dft. In Custody? () Yes () No

☒ Defendant advised of right to counsel. WAIVER OF COUNSEL filed.

☒ ORDER appointing Federal Defender Program as counsel. () INITIAL APPEARANCE ONLY

_____ ORDER appointing _____ (State Bar of Ga. # _____) as counsel.

_____ ORDER giving defendant _____ days to employ counsel. (cc: serv. by Mag)

_____ Dft. to pay attorney fees as follows: _____

_____ INFORMATION/COMPLAINT filed. _____ WAIVER ON INDICTMENT filed.

☒ Copy indictment/information given to dft? (☒) Yes () No Read to dft? () Yes (☒) No.

_____ CONSENT TO TRIAL BEFORE MAGISTRATE (MISD/PETTY) offense filed.

☒ ARRAIGNMENT HELD. () superseding indictment/information.

_____ ARRAIGNMENT continued until _____ at _____ Request of () Gvt. () Dft.

_____ Dft. fails to appear for arraignment. BENCH WARRANT ISSUED _____

☒ Dft. enters PLEA OF NOT GUILTY. () Dft. stood mute plea of NOT GUILTY entered.

_____ MOTION TO CHANGE PLEA, and order allowing same.

_____ PLEA OF GUILTY/NOLO as to counts _____

_____ Petition to enter plea of GUILTY/NOLO filed.

_____ NEGOTIATED PLEA between Government and defendant filed.

☒ ASSIGNED TO JUDGE Ross for: () trial () arraignment/sentence.

☒ ASSIGNED TO MAGISTRATE McBath for pretrial proceedings.

☒ Estimated trial time: _____ days (☒) SHORT () MEDIUM () LONG

_____ CONSENT TO PRESENTENCE INVESTIGATION filed. Referred to USPO for PSI and continued until
_____ at _____ for sentencing.

☒ See other side.

Alvin Marvin DeMar Defendant

☒ Government MOTION FOR DETENTION filed. Hearing set for _____ at _____
☐ Temporary commitment issued.
☐ Defendant to remain on pretrial release under the terms and conditions set forth in the U. S District Court for the _____ District of _____.

BOND/PRETRIAL DETENTION HEARING

☒ BOND/PRETRIAL DETENTION hearing held.
☐ MOTION FOR REDUCTION OF BOND hearing held.
☐ MOTION FOR REDUCTION OF BOND () GRANTED () DENIED
☐ WRITTEN ORDER TO FOLLOW.
☒ GOVERNMENT MOTION FOR DETENTION (✓) GRANTED () DENIED
☒ WRITTEN ORDER TO FOLLOW.

☐ BOND SET AT \$ _____
☐ Non-surety
☐ Surety () Cash () Property () Corporate surety ONLY
☐ SPECIAL CONDITIONS: _____

☐ Bond Filed: defendant released.
☐ Bond NOT EXECUTED defendant to remain in Marshal's custody.

SENTENCE : _____

☒ Order

Pursuant to the Due Process Protections Act, *see* Fed. R. Crim. P. 5(f), the government is directed to adhere to the disclosure obligations set forth in *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, and to provide all materials and information that are arguably favorable to the defendant in compliance with its obligations under *Brady*; *Giglio v. United States*, 405 U.S. 150 (1972); and their progeny. Exculpatory material as defined in *Brady* and *Kyles v. Whitley*, 514 U.S. 419, 434 (1995), shall be provided sufficiently in advance of trial to allow a defendant to use it effectively, and exculpatory information is not limited to information that would constitute admissible evidence.

The failure of the government to comply with its *Brady* obligations in a timely manner may result in serious consequences, including, but not limited to, the suppression or exclusion of evidence, the dismissal of some or all counts, adverse jury instructions, contempt proceedings, or other remedies that are just under the circumstances.

	<u>Alvin Marvin</u>	<u>PAGE 03</u>
Defendant:	<u>DeMar</u>	Case No.: <u>1:22-cr-389</u>
Date:	<u>11/3/22</u>	

WITNESSES:

EXHIBITS:

- G1- Photo of dresser in DeMar's bedroom - Admitted
- G2- Photo of closer view of dresser in DeMar's bedroom - Admitted
- G3- Photo of DeMar's garage - Admitted
- G4- Photo of Gun Magazines - Admitted
- G5- Photo of automatic shot gun - Admitted
- G6- Photo of loaded gun magazine - Admitted
- G7- Photo of DeMar + Carter at Bullseye Pawn Shop - Admitted
- G8- " - Admitted
- G9- " - Admitted
- G10- " - Admitted
- G11- " - Admitted

Original Exhibits ✓ RETAINED by the Court RETURNED to counsel

- G12- Photo of Carter at Bullseye Pawn Shop - Admitted
- G13- Photo of Carter at Bullseye Pawn Shop - Admitted
- G14- Copy of receipt for Ammo bought by DeMar - Admitted
- G15- Copy of receipt for Ammo bought by DeMar - Admitted
- G16- Copy of Texas Case 97CR0297 for DeMar - Admitted
- G17- Copy of Texas Case 98CR0827 for DeMar - Admitted
- G18- Copy of Louisiana Case 160818 for DeMar - Admitted